

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 19-CR-10081-IT
)	
GORDON ERNST, et al.,)	
Defendants.)	

UNITED STATES' MOTION TO SEAL

The United States of America, by and through its attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, hereby moves, pursuant to Local Rule 7.2, that the following documents be filed under seal except as to employees, contract employees, agents of the United States Attorney's Office for the District of Massachusetts, and Gordon Ernst ("the Defendant") and his counsel:

1. United States' Opposition to Defendant's Motion for Order Releasing Seized Funds; and
2. Affidavit of Kevin Sheehan, with exhibits (collectively, the "Opposition").

As reason for this request, on April 1, 2019, the Defendant filed, by hand, (1) a Motion to Seal and (2) a Motion for Order Releasing Seized Funds and supporting affidavits and exhibits. Thereafter, on April 3, 2019, the Defendant filed, through the ECF system, a redacted Motion for Order Releasing Seized Funds (Docket No. 130). The Defendant did not file a redacted version of the supporting affidavits and exhibits on the ECF system, and those documents are not publicly available on the docket.

The United States' Opposition references information that is either redacted from the Defendant's Motion to Release Funds or contained in the Defendant's affidavits and exhibits that are not publicly available through the ECF system. For this reason, the United States submits

this motion to seal to allow the United States to file a redacted version of its Opposition, which redacts information referenced in filings that are not currently available to the public.

The United States takes no position on whether information, beyond information protected under Fed. R. Civ. P. 5.2 and the protective order entered in this case (*see* Docket No. 165), should be filed under seal or withheld from public view.

Pursuant to Local Rule 7.1, the United States had conferred with counsel for the Defendant and counsel assents to this motion.

Once the Court grants this motion, the United States will file a redacted version of its Opposition and supporting affidavit through the ECF system.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Carol E. Head
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Date: March 23, 2019

CERTIFICATE OF SERVICE

I, Carol E. Head, Assistant United States Attorney, hereby certify that the foregoing document was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Carol E. Head
CAROL E. HEAD
Assistant United States Attorney

Dated: May 23, 2019